

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DR. JEFFREY M. GOLD, M.D.,

Plaintiff,

v.

Case No. 22-cv-10699
Hon. Matthew F. Leitman

MICHIGAN KIDNEY
CONSULTANTS, P.C., *et al.*,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT (ECF No. 28)

On February 3, 2023, the Court held a hearing on Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 28). For the reasons explained on the record during that hearing, Defendants' motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

- Count 1 of Plaintiff's Amended Complaint, which alleges retaliation in violation of the False Claims Act, 31 U.S.C. § 3730(h), is **DISMISSED WITH PREJUDICE** as it pertains to the individual Defendants, but may **PROCEED** against Michigan Kidney Consultants, P.C.
- Count 2 of Plaintiff's Amended Complaint, which alleges retaliation in violation of the Michigan Medicaid False Claims Act, MCL § 400.610(c), is

DISMISSED WITH PREJUDICE as it pertains to the individual Defendants, but may **PROCEED** against Michigan Kidney Consultants, P.C.

- Count 3 of Plaintiff's Amended Complaint, which alleges Wrongful Termination In Violation of Public Policy, is **DISMISSED WITH PREJUDICE** pursuant to Plaintiff's voluntary stipulation.
- Count 4 of Plaintiff's Amended Complaint, which alleges breach of contract, is **DISMISSED WITH PREJUDICE** as it pertains to the individual Defendants, but may **PROCEED** against Michigan Kidney Consultants, P.C.
- Count 5 of Plaintiff's Amended Complaint, which alleges retaliation in violation of Michigan's Elliot-Larsen Civil Rights Act, may **PROCEED** in its entirety.
- Count 6 of Plaintiff's Amended Complaint, which alleges retaliation in violation of 42 USC § 1981, may **PROCEED** in its entirety.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 3, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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